IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 28287 of 2006(P)
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PETITIONER:
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P.SASIDHARAN,
PEEDIKATHODI HOUSE, ELAD P.O,
ELAMKULAM, PERINTHALMANNA,
MALAPPURAM DISTRICT.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.K.K.RAJEEV

RESPONDENTS:
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1. THE ASSISTANT EXCISE COMMISSIONER,
MALAPPURAM.

2. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT.

3. M.A.AJAYAKUMAR,
MUTHUKURUSSI MANA,
ELAD P.O,
ELAMKULAM, PERINTHALMANNA.

ADDL.R4 IMPLEADED:

THE DEPUTY SUPERINTENDENT OF POLICE, PERINTHALMANNA.

(ADDL.R4 IS IMPLEADED AS PER ORDER DATED 30.11.2006 IN IA 16467/2006)

R3 BY ADV. SRI.K.P.MUJEEB
R1, R2 & R4 BY G.P. SHRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DECISION TAKEN AT THE MEETING HELD ON 24.5.2006 BEFORE THE RDO PERINTHALMANNA

EXT.P2 TRUE COPY OF THE ORDER NO.M5-2969/06 DATED 16.10.2006 ISSUED BY THE FIRST RESPONDENT

EXT.P3 TRUE COPY OF THE LICENSE NO.M-169/02-03 ISSUED BY THE FIRST REPONDENT

EXT.P4 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 26.10.2006

RESPONDENTS' EXHIBITS:

EXT.R3(a) TRUE COPY OF THE SKETCH OF THE VILLAGE OFFICER, ELAMKULAM

EXT.R3(b) TRUE COPY OF THE PETITION DATED 25.10.2006

EXT.R3(c) TRUE COPY OF THE REPLY RECEIVED FROM THE HOME MINISTER GOVT. OF KERALA

EXT.R3(d) TRUE COPY OF THE REPLY RECEIVED FROM THE REVENUE MINISTER GOVT. OF KERALA

EXT.R3(e) TRUE COPY OF THE REPLY RECEIVED FROM THE MEMBER OF PARLIAMENT

EXT.R3(f) TRUE COPY OF THE PETITION DATED 30.10.2006 SUBMITTE3D BEFORE THE HIMAN RIGHTS COMMISSION

EXT.R3(g) TRUE COPY OF THE REPORT OF THE RDO, PERINTHALMANNA DATED 2`1.11.2006.

//TRUE COPY//

**J.B.KOSHY & K. PADMANABHAN NAIR ,JJ**

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**W.P.(C).NO.28287 of 2006 P**

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**Dated, this the 30th day of November, 2006**

**JUDGMENT**

Koshy, J.

This is a petition for police protection. Petitioner is running toddy shop No.23 of Perinthalmanna Excise Range. He is the licensee. It is submitted that earlier there were objections from the local people and, therefore, he shifted the toddy shop to a new place and the new place is situated within the permissible area. Learned Government Pleader reported that the licence was granted after complying with all the legal formalities. After getting licence and paying required fees, petitioner cannot be prevented physically to run the shop. It is the case of the contesting respondent that some illegal activities are conducted in the toddy shop. If any illegal activities are conducted in the toddy shop, it is for the Excise Authorities and police to check and stop the same. It is also stated that petitions are filed before the District Collector. Respondents can take all legal actions. But they cannot take law into their hands to cause any obstruction to the employees and customers of the toddy shop. The third respondent and his associates can conduct peaceful demonstration, but, it should be 100 metres away from the gate of the toddy shop. Police shall

give adequate protection unless there is any prohibitory orders from the statutory authorities or court.

Writ Petition is disposed of with the above observations.

**J.B.KOSHY**
**JUDGE**

**K. PADMANABHAN NAIR**
**JUDGE**

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